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PROCEEDINGS

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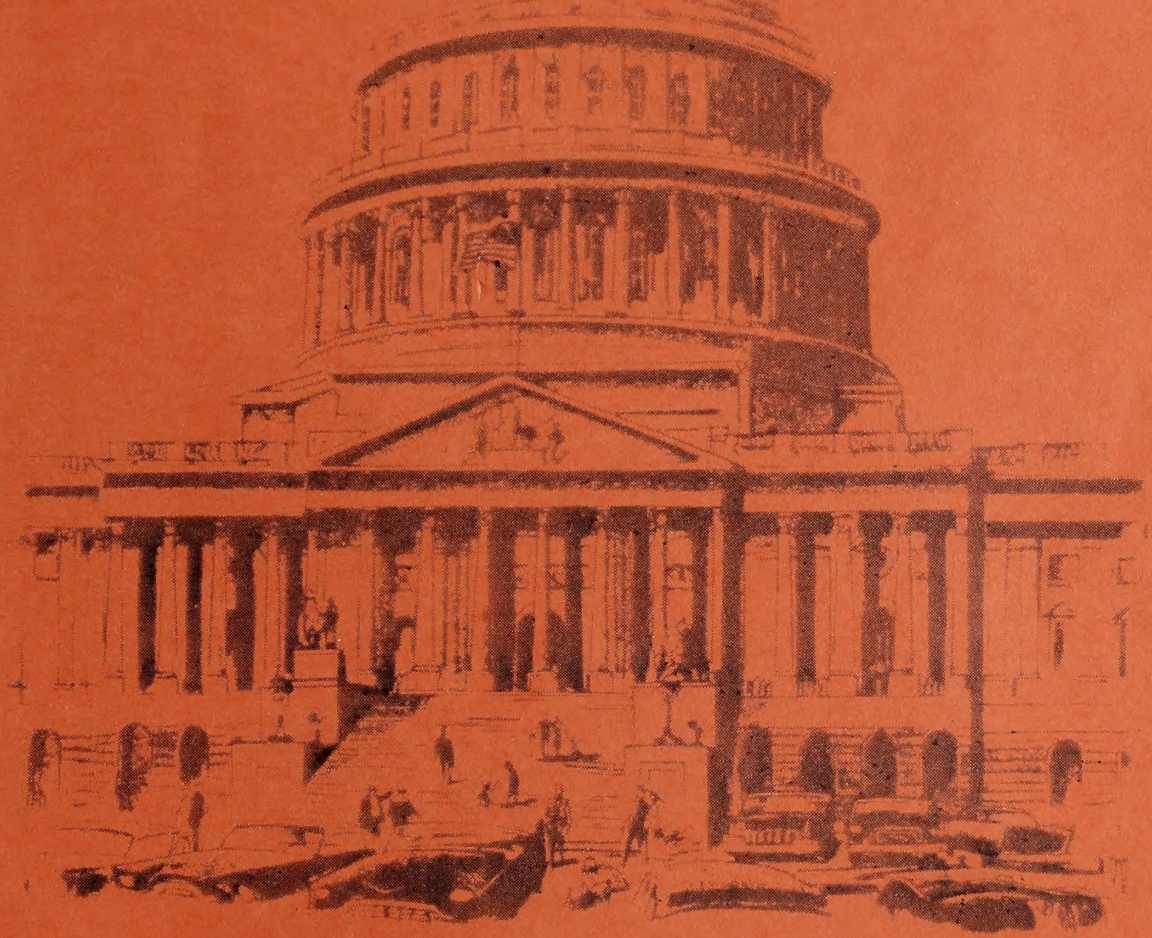
NATIONAL ADVISORY BOARD FOR WILD FREE-ROAMING HORSES AND BURROS



March 26–27, 1974
Washington, D.C.

United States Department of Agriculture
Forest Service
United States Department of the Interior
Bureau of Land Management

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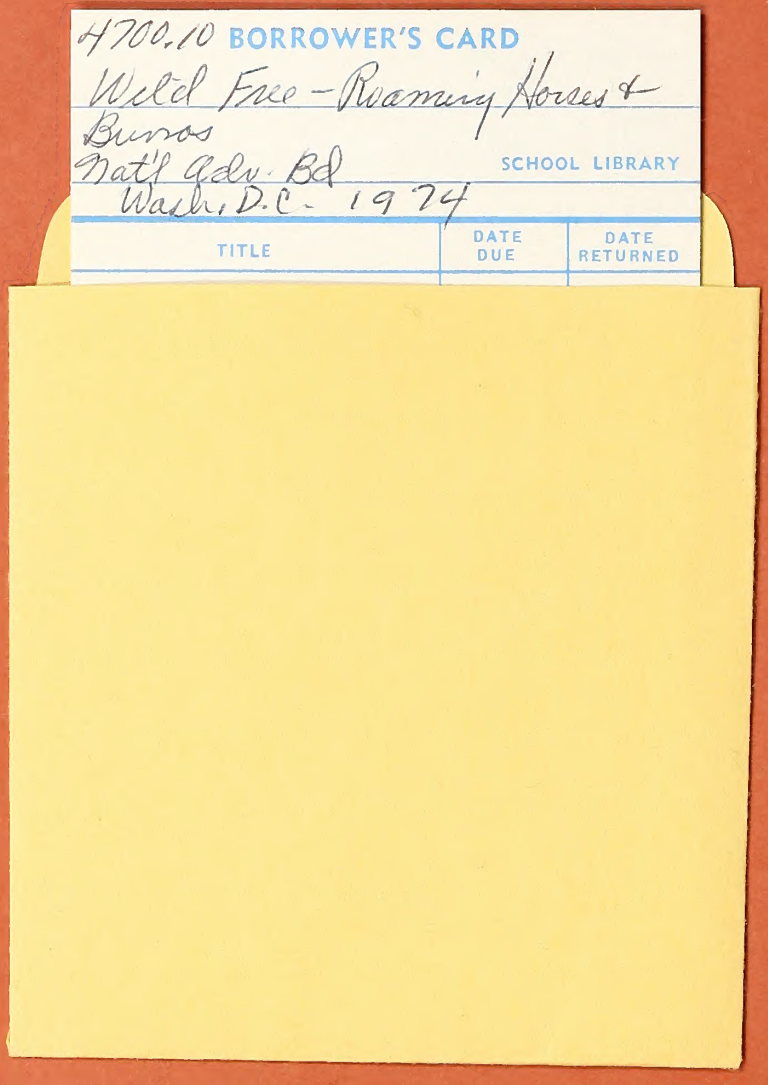

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MEETING AGENDA

National Advisory Board
on
Wild Free-Roaming Horses and Burros

Interior South Building
1951 Constitution Avenue, NW
Washington, D.C.

March 26

8:30 a.m.	Welcome and Introduction
8:45 a.m.	Organization of the Board
9 a.m.	Business Meeting
10:30 a.m.	Public Comment
11:30 a.m.	Lunch
1 p.m.	Scope of the Program - Agencies' Report for BLM and Forest Service
2 p.m.	The Advisory Board's First Year - Dr. C. Wayne Cook Problems Confronted Recommendations Made
3 p.m.	Advisory Board Discussion with the Secretaries of the Interior and Agriculture and Congressional Representatives
4:15 p.m.	Adjournment

March 27

9 a.m.	Program Planning Meeting
11:30 a.m.	Adjournment

Approved:

Curt Berklund

Director, Bureau of Land Management

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Board Members Present - March 26 and 27, 1974

Dr. C. Wayne Cook
4800 Venturi Lane
Fort Collins, Colorado 80521

Mrs. Velma B. Johnston
140 Greenstone Drive
Reno, Nevada 89502

Mr. Roy Young
P. O. Box 588
Elko, Nevada 89801

Mr. Dean T. Prosser, Jr.
1717 Alexander Avenue
Cheyenne, Wyoming 82001

Mr. Ed Pierson
3010 Arrowhead Road
Laporte, Colorado 80535

Mrs. Pearl R. Twyne
629 River Bend Road
Great Falls, Virginia 22066

Dr. C. Roger Hungerford
4422 N. Anna Park Drive
Tucson, Arizona 80505

Dr. Floyd W. Frank
1395 Walenta
Moscow, Idaho 83843

Mr. Ben Glading
Route 4, Box 774
Bend, Oregon 97701

Agency Personnel Present - March 26, 1974

Mr. John R. McGuire - Chief, Forest Service, Washington, D.C.

Mr. George L. Turcott - Associate Director, Bureau of Land Management, Washington, D.C.

Mr. Frank J. Smith - Director, Division of Range Management, Forest Service, Washington, D.C.

Mr. Kay W. Wilkes - Chief, Division of Range, Bureau of Land Management, Washington, D.C.

Mr. W. B. "Wally" Gallaher - Assistant Director, Forest Service, Washington, D.C.

Mr. Robert J. Springer - Range Conservationist, Division of Range, Bureau of Land Management, Washington, D.C.

Mrs. Betty Sierk - Secretary, Forest Service, Division of Range Management, Washington, D.C.

Mrs. Betty Cullimore - Secretary, Division of Range, Bureau of Land Management, Washington, D.C.

People Signing Visitors Roster

John Simonds - Gannett Newspapers, Washington, D.C.

Jim Gerstenean - Associated Press, Washington, D.C.

John A. Hoyt - Humane Society of the United States, Washington, D.C.

Frank J. McMahon - Humane Society of the United States, Washington, D.C.

Mrs. Herman Schuler - American Horse Protection Association, Inc. Washington, D.C.

Col. K. R. Hampton - National Wildlife Federation, Washington, D.C.

Joyce Gebhardt - National Wildlife Federation, Washington, D.C.

Carolyn Banks - Horse Play Magazine, Timonium, Maryland

Ann Schmeit - Denver Post, Washington, D.C.

Ann McFeatters - Scripps-Howard Newspapers, Washington, D.C.

Thomas J. Cavanaugh - Public Lands Council, Falls Church, Virginia

Liz Bennett - Defenders of Wildlife, Washington, D.C.

Spencer M. Smith, Jr. - Citizens Committee on National Resources, Washington, D.C.

K. E. Reichel - Georgetown Law School, Washington, D.C.

C. E. White - Deseret News, House Press Gallery-Capitol

Mike Shoumaker - Senator Hansen's Office, Washington, D.C.

Jack Murphy - Senator Barry Goldwater's Office, Washington, D.C.

Alan J. Kania - F.O.A.L. Inc., Massachusetts

Victoria Stewart Moore - F.O.A.L. Inc., Maryland

Frank J. Kania - F.O.A.L. Inc., Massachusetts

Genevieve M. Kania - F.O.A.L. Inc., Massachusetts

Mrs. William L. Blue - American Horse Protection Association, Inc. Washington, D.C.

Mr. Frank V. Messerly - Nationl Mustang Association, Newcastle, Utah

Mr. Kent Gregersen - National Mustang Association, Salt Lake City, Utah

Jane Risk - Animal Protection Institute, Washington, D.C.

Ana C. Fase - Washington, D.C.

Steve Seater - Fund for Animals, Washington, D.C.

James M. Robb - Senator Dominick's Office, U.S. Senate, Washington, D.C.

Randi Doeker - Senator F. K. Haskell's Office, U.S. Senate, Washington, D.C.

Cordell Ringel - Bureau of Indian Affairs, Washington, D.C.

Dana Allison - American Donkey and Mule Society, Inc., Presque Isle, Maine

Michael J. Nolan - American Horse Council, Washington, D.C.

Frank Montalbano - Office of Assistant Secretary, Defense (Installation and Housing), U.S. Air Force

Mr. Brad Hainsworth - Deputy Assistant Secretary for Land and Water Resources - Department of the Interior

Mr. Roman Koenings - Assistant Director, Resources, Bureau of Land Management, Washington, D.C.

Mr. George D. Lea - (Acting) Deputy Assistant Director, Resources, Bureau of Land Management, Washington, D.C.

Mr. James A. Coda - Attorney-Advisor, Office of the Solicitor, Washington, D.C.

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Proceedings of the National Advisory Board
for
Wild Free-Roaming Horses and Burros
Washington, D.C.
March 26 and 27, 1974

Introduction:

The fifth meeting of the National Advisory Board on Wild Free-Roaming Horses and Burros was held in Washington, D.C. The meeting was requested by Rogers C. B. Morton, Secretary of the Interior, on behalf of himself and Secretary Butz of the Department of Agriculture by memorandum dated January 3, 1974.

The two Secretaries are required by Section 10 of the Wild Horse and Burro Act to submit to Congress within 30 months after the Act was passed a joint report on the administration of the Act, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as appropriate.

Therefore, the fifth meeting was scheduled in Washington, D.C., so the Board might present to the two respective Secretaries the recommendations it considered most significant for improving and strengthening the administration of wild horses and burros on public lands in accordance with the Wild Horse and Burro Act (PL 92-195).

The meeting was called to order at 8:30 a.m. on March 26 by George Turcott, Associate Director for the Bureau of Land Management as the designated government representative. After election of officers the meeting was conducted in accord with the agenda outline.

Proceedings--National Advisory Board
On Wild Free-Roaming Horses and Burros
March 26, 1974

The fifth meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros was called to order by Mr. George Turcott, Associate Director, Bureau of Land Management, at 8:30 a.m. on March 26, at the South Interior Building, Washington, D.C. Mr. Turcott was designated as the Federal representative for this meeting.

He discussed the administrative procedures for appointment of the Board members. Members may be appointed for 1 year and reappointed for additional 1-year terms not to exceed 10 years of total service. Starting in 1975, it is planned to initiate a program that will appoint three new members to the Board each year. This will provide new or additional expertise to the Board yearly while still retaining the continuity of the existing Board.

Since the terms of Chairman and Vice Chairman had expired as of December 31, 1973, Mr. Turcott called for nominations for Chairman. Dr. C. Wayne Cook and Mr. Ed Pierson were nominated and reelected as Chairman and Vice Chairman for the 1974 calendar year.

The next order of business was the review of the minutes from the November 6, 7, and 8, 1973, meeting held at Lake Havasu City, Arizona.

The minutes were accepted as presented and signed by the Chairman.

A summary of the Board's activities and recommendations made during the year was reviewed. Any necessary corrections, amendments, or deletions were noted prior to the afternoon's formal presentation of the summary.

The Board began receiving comments from the public at 9:30 a.m., earlier than scheduled, due to the number of individuals or organizations indicating a desire to appear before the Board and present their views on wild horse and burro management. The full text of their presentations is on file with the BLM, the agency retaining the official Advisory Board records.

A short summary of each individual's presentation follows:

Mrs. Joan Blue - American Horse Protection Association

Mrs. Blue was highly critical of the Advisory Board, and the Departments of the Interior and Agriculture, along with their respective managing agencies, in the administration of the Wild Horse and Burro Act (PL 92-195). She dwelt at length upon the roundup of horses near Howe, Idaho. Mrs. Blue gave her interpretation of the law and regulations and quoted many newspaper articles she had read concerning wild horses and burros.

Kent Gregersen - National Mustang Association

He cited areas where fencing on public lands, in his opinion, could hamper the movement of wild horses and burros. The fences might also restrict the movements of four-wheel drive vehicles, motorcycles, snowmobiles, and the horsemen. He felt these fences could not be justified.

Mr. Gregersen questioned the large number of claims for horses in Nevada and cautioned BLM to take a close look at all horses rounded up and accept the responsibilities of the Act.

The NMA recommended that local BLM district advisory boards be reviewed and representatives from other interested publics be installed so no one special interest group has the majority voice on the board.

Mr. Gregersen said measures of controlling horses are a must and at this time top priority in some areas. He recommended ". . .the law be amended so that title to the horses removed can be given to a new owner." He also recommended that cooperative agreements be made with local organizations for population control.

Mrs. Dana Allison - American Donkey and Mule Society

Mrs. Allison reviewed the history of the species Equus Assinus Africanus. She stated PL 92-195 was a very poor attempt to preserve a living history (burros). Mrs. Allison has reviewed considerable research on burros and went into quite some detail in her presentation on their food habits, body requirements for water, and their general behavior habits. She believes burros can be very useful to people and more information is needed on their good qualities.

Mrs. Allison offered the support of her organization in helping arrange the disposition of excess animals. She stated burros have helped people for centuries in many different ways and, as such, are contributors of positive values in our society.

John A. Hoyt - Humane Society of the United States

Mr. Hoyt outlined the Society's investigation and findings of the round-up of horses near Howe, Idaho, in February of 1973. This roundup is viewed by the Society as a violation of Federal law.

A proposed gathering of horses near Rush Valley southwest of Salt Lake City, Utah, by the Bureau of Land Management was not consistent with Mr. Hoyt's interpretation of the Wild Horse and Burro Act. He was also concerned at the length of time it took to prepare the regulations which were issued in August of 1973.

Steve Seater - Field Director for the Fund for Animals

Mr. Seater asserted wild horses and burros as well as many native species are suffering from severe grazing competition caused by excessive numbers of livestock on public lands.

He cited as examples the charges filed by the Natural Resources Defense Council against the Bureau of Land Management which are:

1. The deterioration of vegetative cover in important multistate and intrastate watersheds which has resulted in increased erosion, decreased water yield, and increased water pollution on the public lands.
2. The loss of soil fertility, and the replacement of plants which are effective as soil retainers.
3. Severe competition between livestock and game for available forage which has led to starvation, increased parasitism, and greater susceptibility to disease.
4. The diminution of waterfowl and fish populations which has resulted by BLM's failure to restrict riparian livestock grazing.

Fish have also been affected by the increased water temperature from loss of vegetation, and the sedimentation resulting from riparian and other watershed grazing.

The Fund for Animals recommended further that BLM:

1. Accelerate its processes of range analysis as a scientific basis for determining livestock stocking rates on public lands.

2. Prepare environmental impact statements on the effects of livestock grazing on public lands.

3. Reduce or eliminate grazing from those areas that are better suited for the perpetuation of other values such as wildlife, wild horses, and recreation.

4. Inventory wild burro and horse populations to determine currently existing herds and numbers. Delineated maximum population numbers within these herds that can be maintained with no danger to the base soil resource.

5. Pursue an enlightened program of wild horse and burro management that will ensure healthy herds for future generations of Americans but which also seeks to protect fragile wildlife habitat. When careful scientific studies demonstrate the need for population control, translocation should be the preferred method of relieving the grazing pressure. Lethal methods should be employed only when all other means of population control have failed.

Kenneth R. Hampton - National Wildlife Federation

The National Wildlife Federation believes, in its judgment, management of wild horses and burros continues to lag badly for two reasons: the Federal Agencies are not pursuing vigorously enough their management responsibilities under the Act; and second, the Act itself contains some deficiences which seriously restrict Federal Agency management efforts.

The Wild Horse and Burro Act, although a strong measure, did not succeed in changing the laws of nature. No matter how many reports are made to Congress, or how many bills become law, nothing is going to improve the range while protecting the animals at the same time until a deliberate management program is implemented. Before that is possible, the Bureau of Land Management and the Forest Service must conduct studies to collect data on horse and burro populations, their rate of increase, the vegetation and erosion effects of these animals, by themselves and in combination with various classes of domestic animals, wildlife, and other uses on these public lands.

Many people report that there has not been any significant population increase since PL 92-195 was passed. But according to recent surveys and reports in California, wild horses are increasing at about 20 percent per year. These same areas have numerous deer and antelope along with seasonal cattle use. Further, statistics clearly indicate a trend in vegetative deterioration and erosion acceleration. Hence, there is

an urgent need for an immediate control and managment program in this area. Mr. Hampton further recommended comprehensive studies on the competition between domestic livestock, wildlife, and wild horses and burros. At present, what studies do exist seem to give conflicting views.

Mr. Hampton said it might be construed that the National Wildlife Federation is unsympathetic to the problems which BLM and the Forest Service must overcome to effectively manage wild horses and burros. He assured the Board that such is not the case. To perform any task effectively an agency must have two things: sufficient resources and a workable mandate. In this instance, the Agencies--especially BLM--have neither.

Another principal point stressed by Mr. Hampton is the constraints on the managing agencies in methods of disposal of excess animals.

The National Wildlife Federation urged that the following recommendations be made to the Secretary of the Interior by this Advisory Board:

1. A more vigorous attempt be made by the Agencies involved to get on with the management of wild horses and burros, within constraints of the budget and the Act.
2. The Executive Branch make a concerted effort to obtain a more equitable share of the Federal budget for conservation of natural resources, including management of national resource lands and other national systems.

3. As authorized by Section 10 of the Act, the following comprehensive studies be initiated as soon as possible:

   a. Wild horse and burro populations, including all related factors.

   b. Competition between livestock, wildlife, and wild horses and burros.

4. PL 92-195 be amended to include, as a minimum:

   a. The extension of wild horse and burro management to all Federal lands.

   b. A change in the cooperative private agreement to allow the transfer of ownership to the private individual, so that the Government can no longer be held responsible for the animal. A clause could be included in the title whereby the individual agrees not to sell the animal, dead or alive, or allow it to be processed for commercial products.

   c. Permission for Federal agents to relocate animals on any suitable range where their presence will not interfere with existing livestock or wildlife, or other existing uses.

Mr. Hampton said the above recommendations provided for more realistic, effective management of wild horses and burros. If wild horses are to survive in today's West, the issue of proper range management must be resolved so that wildlife, domestic livestock, people, and wild horses can all live in harmony in a humane manner.

Spencer M. Smith, Jr., Citizens Committee on Natural Resources

This Citizens Committee has been working approximately 15 years to upgrade the BLM, both in terms of finance and most recently to get an Organic Act.

The publicity put out by organizations on the Idaho horse roundup is causing the Bureau to lose support within the Congress for much needed aid. He stated his mail indicates an eroding of the very policies that the committee is trying to protect. He requested that the Advisory Board and the BLM take a stand and try to clear up the issue quickly for the benefit of BLM and the public.

Al Kania - Feral Organized Assistance League

Mr. Kania stated the hearings on the Howe, Idaho, horse roundup were long overdue.

He asked the Board to review the actions being considered in the Bookcliffs of Colorado for wild horses. He questioned several aspects of the proposed program by the managing agency and requested source of the material quoted in the impact statement for wild horses and burros issued in July 1973 by BLM.

The afternoon session on March 26 opened with a joint Agency report. This joint report was given in the form of a slide presentation. The narrative for this report is attached as Appendix No. 4.

Chairman Cook then presented the Board's recommendations based upon previous meetings during the past year.

The Board's "First Year Review" as read by Dr. Cook, with the insertion of names of guest speakers as the Lake Havasu City session, was unanimously approved by all members. This is the official report of the Board to the managing agencies with the recommendations of the Board regarding protection, management, and control of wild free-roaming horses and burros. This report is attached as Appendix No. 5.

Considerable discussion followed on wild horses and burros. Two primary considerations noted were the need to transfer fee title of animals to individuals, and the need for more research on the food habits and social behavior of wild horses and burros. Debate followed on a film shown by Al Kania depicting horse roundups.

The Board thanked the representatives from the various congressional offices that attended the meeting and provided them a copy of the first annual report.

Adjournment -

Wednesday morning--March 27, 1974.

Mr. Frank Smith, Forest Service, opened the meeting as Government representative, substituting for Mr. George L. Turcott, Bureau of Land Management, who could not be present.

Dr. Cook stated Congressman Gude from Maryland had planned to address the Board, but because of special hearings, Mr. Farr of Gude's office would read a statement into the record. Mr. Farr stated Congressman Gude and other Members of the House and Senate have some distinct concerns over the enforcement and administration of Public Law 92-195. Of particular concern to the Congressman was the fact that no final decision had been made on the horses rounded up near Howe, Idaho, in February 1973. Mr. Farr stated Congressman Gude wanted to make one point quite clear--that the Wild Horse Act can and must be enforced.

Carolyn Banks, representing Horse Play Magazine, stated she would be glad to publicize the availability of excess horses and help obtain volunteers willing to adopt wild horses.

Resolutions and Letters

Resolutions made during the regular session of the Wyoming State Multiple Use Advisory Board on April 26 and 27, 1973, and reaffirmed on March 21, 1974, were read as follows:

2. Wild Horses -

Be it resolved that wild horses are a part of the American heritage and should be maintained in reasonable numbers on their accustomed ranges on national resource lands for enjoyment of future generations, and further, that a significant increase in wild horse numbers will seriously impact habitat for wildlife and forage for livestock and the horses themselves; therefore, be it resolved that when existing numbers of wild horses are established, the population not be allowed to exceed the existing number and a means of removal of the excess be determined.

4. Wild Horses -

Be it resolved that the Bureau of Land Management seek special authorization on the use of fixed wing aircraft (under licensed control) in the inventorying and control of the wild horses on the public range.

5. Wild Horses -

Be it resolved that the words "and, when necessary, adjust domestic livestock use accordingly" of paragraph CFR 4712.1-3 and all of paragraph 4712.1-4, "Closures to livestock grazing," be deleted from the proposed regulations, Part 4710.

The Sportsmen's Council of Central California submitted a resolution concerning burros on the U.S. Naval Weapons Center at China Lake, California.

In the letter transmitting the resolution, the Sportsmen's Council expressed its concern pertaining to the impact that burros were having on native wildlife. It stated that some areas which once had a population of the desert bighorn sheep now contain no sheep since the encroachment of the burro.

A petition submitted by Joe B. Fallini, Jr., a member of the Battle Mountain Bureau of Land Management District Advisory Board, stated that it is recommended the immediate amendment of Public Law 92-195, being an Act to require the protection, management and control of wild free-roaming

horses and burros on the public lands, to include authority of the Bureau of Land Management to obtain by purchase, as distinguished from condemnation through the power of eminent domain, an existing desert cattle ranch which is available for purchase through voluntary sale for the purpose of providing a habitat within a fenced boundary devoted for protecting, managing, and controlling wild free-roaming horses and burros in a manner consistent with Public Law 92-195.

The same petition was presented to the Battle Mountain District Advisory Board. The District Board did not concur in the petition.

A letter from Riddle Ranch, Inc., in Oregon, Alan Otley, President, was read stating that wild horses were increasing rapidly and soon there would be a critical shortage of grass for both domestic stock and the horses, if a sound management plan is not developed that would permit gathering and controlling of these animals. A sound plan would protect the beef industry and protect some wild horses from starvation.

At the November 13, 1973, Nevada Cattlemen's Association and Nevada Woolgrower's Association joint convention in Carson City, the following resolutions were passed concerning wild horses:

RESOLUTION NUMBER 11 -- Public Lands and Forest Committees - Compensation

WHEREAS: The livestock industry is receiving tremendous pressures from other types of land users, including the recent Wild Horse and Burro Act, and are now being faced with a reduction in their grazing privileges, therefore be it

RESOLVED: That the Nevada Cattlemen's Association and the Nevada Woolgrowers Association urges the governmental agencies and Congress to provide for compensation to ranchers who lose permits under these circumstances.

RESOLUTION NUMBER 12 -- Public Lands and Forest Committees - Wild Horses

WHEREAS: The Wild Horse and Burro Act is a new concept to the Public Lands, and

WHEREAS: There is a concern of the domestic Livestock users that there may be reductions made because of this act, therefore be it

RESOLVED: That the Nevada Cattlemen's Association and the Nevada Woolgrowers Association go on record supporting management and control of the Wild Horses and Burros under the multiple use concept of the Taylor Grazing Act.

A letter was read into the record from James N. Pickett, President of the Wild Horse and Burro Care Program of Nevada. Mr. Pickett described their work with wild horses in Nevada.

Karen S. Fowler, Director - Naturalist, Living Desert Association, excerpts from her letter are as follows:

> "As a naturalist, I am quite familiar with the desert environment, and I have spent much time in the Death Valley area. After close observation and study of this area, I feel the population of feral burros should be controlled. The burros are a detrimental influence on the natural habitat of this region.
>
> I do feel it appropriate to preserve some wild burro populations for historical reasons. However, their effect on the native plant and animal community and in particular upon the bighorn sheep must be considered.

"In those areas of the Death Valley region where the burros are not compatible with the sheep and other wildlife, they should be controlled or removed. The value of feral burros must be weighed carefully against a total, natural community and not just considered as an individual species."

A resolution was read from the Idaho Wool Growers Association Convention in Boise on November 19 and 20. The Idaho Wool Growers strongly recommended the management of numbers, and control of the size of area in which the wild horses range by the U.S. Forest Service and Bureau of Land Management. It opposed any relocation of wild burros or horses from one area of public land to another.

The following resolution read was passed by the Oregon State Multiple Use Advisory Board during a meeting on February 28, 1974:

That the Oregon State Multiple Use Advisory Board supports the action of the National Advisory Board on Wild Free-Roaming Horses and Burros to recommend amendments to the Wild Horse and Burro Protection Act of 1971 that would:

A. Allow aircraft to be used to gather claimed or excess horses or burros.

B. Provide a legal means for individuals to obtain title to excess horses or burros they wish to maintain and care for privately.

C. Allow remains of excess horses or burros to be utilized for beneficial purposes.

Roy Young, Board member from Nevada, told of a recent range tour in Nevada. Part of the region covered was near the Nellis Air Force Bombing Range. He stated it was a good place to see horses, as the group observed about 275 head of the animals of various types and colors in 2-1/2 hours.

He also mentioned that a recent news article told of a person willing $500,000 to the State of Nevada for wild horses.

Dr. Frank stated a test for the disease called swamp fever, equine infectious anemia, has been recognized and is being applied by some States on horses being moved from place to place. He suggested the managing agencies should be aware of the possibility of this disease. It is not known at this time if this disease occurs in Western range animals. Dr. Frank said brucellosis, which disease affects humans, cattle, and swine, is on the upsurge in some areas. Horses are known to be occasionally infected with brucellosis and there have been a few instances where horses appeared to be reservoirs of infection.

In response to questions raised, Kay Wilkes reviewed the procedures for operation of advisory boards under the Advisory Committee Act. He referred the Board to the proceedings of the Salt Lake City meeting that contained the original Wild Horse and Burro Advisory Board charter and outlined the Board members' responsibilities. All BLM advisory boards now have charters. The present charters will be reviewed and updated periodically as required by the Advisory Committee Act.

Considerable discussion followed on what the representation of local district advisory boards should consist of.

A motion was made--The Board wishes to go on record that in Districts and States where wild and free-roaming horses and burros are a significant

factor in range management, that the Secretary of the Interior make every effort to appoint persons knowledgeable and sympathetic to the Wild Horse and Burro Act to the appropriate boards.

The next item was the possibility of Board members obtaining copies of the presentation and slides by the agencies. These will be furnished as requested.

Kay Wilkes discussed research projects presently underway with Arizona State University and by the Bureau of Land Management. Approximately $24,000 will be spent in fiscal year 1974 on research projects, primarily on burros in the Southwest. Also, a contract is being let with the conservation library in Denver to make a literature review of all the research that has been done on wild horses and burros. This will be summarized and prepared in brief form for circulation to all offices of the BLM and Forest Service and any other interested parties. Approximately $35,000 is planned for research in FY 1975.

In response to questions raised, it was reported that the Bureau has 10 positions assigned specifically for wild horse and burro work in the Range Management program. They are located at:

1--Arizona - State Office
1--Salmon District - Idaho
1--Billings District - Montana
3--Nevada - 1 State Office, 1-Ely, 1-Battle Mtn.
1--Oregon - State Office
1--Rock Springs District - Wyoming
1--Craig District - Colorado
1--Salt Lake District - Utah

An additional six positions are planned for the 1975 FY beginning July 1, 1974. These will probably be distributed as follows:

1--Arizona
1--California - Susanville District
1--Oregon
1--New Mexico
1--Nevada - Elko District
1--Wyoming

Specific funding and manpower allocations to the Bureau of Land Management for wild horse and burro work has been as follows:

1972 - FY - no funds
1973 - FY - $100,000
1974 - FY - $400,000, 10 positions for wild horse and burro work.
Estimate 1975 FY - $700,000, 16 specific positions for wild horse and burro work.

Considerable discussion followed on funding and the amount devoted to research.

A motion was made and passed "that the agencies allocate a larger portion of the wild horse and burro budget for contract research."

It was moved and approved that the Advisory Board, through this year, have as its objective to recommend or advise that the Agencies concentrate on realistic surveys to ascertain the carrying capacity of public lands for all animals sharing the land. Also, that steps be taken to rebuild the depleted land even if that means a scientific necessary adjustment of AUM's of sheep and cattle, wildlife, or feral equines as indicated.

Another recommendation was, "The Committee wishes to go on record as being appalled by the horse roundup at Howe, Idaho, in 1973. The Committee further wishes to advise the Secretaries of the Interior and Agriculture to go on public record with respect to their position on the Howe, Idaho, incident." The motion passed unanimously.

The last motion made by the Board was to advise the Secretary of the Interior to have the Bureau of Land Management look into the allegations made by Mr. Grant Messerly of the National Mustang Association that violations of the Wild Horse and Burro Act had been reported but unheeded in the Cedar City, Utah, District.

I certify that I attended the proceedings of the National Advisory Board on Wild Free-Roaming Horses and Burros herein reported, and that this is an accurate summary of the matters discussed and the recommendations made.

May 27, 1974
(Date)

C. Wayne Cook
C. Wayne Cook, Chairman

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JAN 3 1974

In Reply Refer To:
1784 (330)

Memorandum

To: Members, National Advisory Board on Wild Free-Roaming Horses and Burros

From: Secretary of the Interior

Subject: Call to Meet

Secretary of Agriculture Earl L. Butz and I have called a meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros in Washington, D.C., on March 26, 1974.

You will be advised of further details by the Director, Bureau of Land Management.

Rogers CB Morton

Appendix 2

IN REPLY REFER TO:

1214(330)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

MAR 2 1 1974

Memorandum

To: Associate Director

From: Director

Subject: Delegation of Authority--March 1974 Meeting of the Wild Horse and Burro Advisory Board

Pursuant to the authority delegated to me by the Secretary of the Interior, I hereby delegate to you authority and responsibility to act as the authorized representative of the Secretary at the March 26 and 27 meeting of the joint National Advisory Board for Wild Free-Roaming Horses and Burros.

Curt Berklund

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on March 26 and 27, 1974, at the Interior South Building, 1951 Constitution Avenue N.W., Washington, D.C. A Board business meeting will be held the morning of March 26 starting at 8:30 a.m. to be followed by an hour set aside from 10:30 to 11:30 a.m. for public comment. The afternoon program will include a formal presentation by the Advisory Board on its recommendations for possible legislative changes to the Wild Horse and Burro Act (Public Law 92-195). The two managing agencies, the Bureau of Land Management and Forest Service, will then present to the Board the progress made in the protection, management, and control of wild free-roaming horses and burros since passage of the act on December 15, 1971. The first day of the meeting will conclude with a period of discussion among Board members, and the Secretaries of the Interior and Agriculture and congressional members, or their respective representatives. On March 27, a program planning meeting will be held from 9 to 11:30.

The meeting will be open to the public. Those persons wishing to make an oral statement must inform the Advisory Board Chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. C. Wayne Cook. Written statements may be submitted at the meeting or mailed to Dr. Cook c/o the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the Office of Public Affairs, Bureau of Land Management, Washington, D.C.

Minutes of the meeting will be available for public inspection 60 days after the meeting at the Office of the Director (330), Bureau of Land Management, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240.

January 30, 1974.

CURT BERKLUND,
Director.

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WILD FREE-ROAMING HORSES AND BURROS

For presentation at the March 26, 1974, meeting of the National Advisory Board on Wild Free-Roaming Horses and Burros.

SLIDE	NARRATIVE
1. Title slide	This is a report by the Bureau of Land Management and the Forest Service
2. Horse slide	on the activities, problems, and findings relating to Wild Horse and Burro management in the western United States.
3. Burro slide	The wild horse and burro resource was given legal status on December 15, 1971, with approval of the Wild Free-Roaming Horses and Burros Act.
4. Collage of reports on wild horses	To make today's situation more meaningful, we've put together a brief background on wild horses and burros.
5. (4) Spanish Conquistador with horse	Today's horses and burros are not native to the Americas. Ancestors of today's horses and burros were brought to North America by Spanish conquistadors four centuries ago.
6. (5) Large band of horses	Inevitably, some escaped. Others were released to the wild. Since habitat was good, horse populations flourished.
7. (6) Indian with travois	Indian tribes adopted these animals to their foo and transportation needs. Horse trading among

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7. (7) cont. Indian tribes hastened the westward spread of horses, burros, and mules.

8. (8) Indians by buffalo In 1804 Lewis and Clark traveled through Montana and Idaho. They estimated that Sacajawea's brother and his people had 700 horses, of which 40 were colts and 20 were mules; but they said no horses in the area could be considered wild.

9. (9) Wagons west By the mid-1800's, horses roamed throughout the West. Most were of Andalusian ancestry.

10. (10) Mustangs The horses were called "mustangs"--from the Spanish mestaño, meaning "wild ones."

11. (11) Settler with plow horses After the mid-1800's, settlers, ranchers and the military brought their favorite kinds of horses to the West. These horses interbred with the wild mustangs.

12. (12) Spanish exploration Today, horses running loose on federal lands may trace their linage back to early Spanish expeditions -- or, they may be first-generation wild, as is this mare with saddle spots.

13. Mare with saddle spots

14. (13) Burro slide Wild burros didn't follow the same pattern as horses. While they, too, arrived with the Spanish,

15. Prospector and burro their population development appears to tie more closely with late 19th and early 20th century prospectors in the Southwestern desert and mountains.

16. (15) Sheepherder with burro

Others, including sheepherders who used burros as pack animals, also helped spread the burro population.

17. (16) Burro days

In the West, burros adapted readily to arid regions and established new communities.

18. (16) Group of burros

Burro populations have neither undergone the tremendous population expansions nor subsequent collapse of the wild horse herds.

19. (17) Large herd of wild horses

By the turn of the century, the wild horse population was estimated at 2 million or more. Most range users and Federal land agencies realistically viewed horses as competitive with livestock and native wildlife for forage.

20. (18) Wild horse roundup

A simple matter of priority meant eliminating wild horses -- at first by capture and domestication, later by shooting. Horses later became valuable for slaughter, and by the 1940's were captured for commercial purposes.

21. (19) Horse in trap

The 1940's saw the last of the large horse populations. From 1950 on, there were seldom enough horses in an area to make commercial operations profitable. Remaining animals were captured or shot sporadically to remove them from the rangelands.

22. (19) Horses in truck

At this time came the first awakening of an organized national conscience over the humane treatment of these animals.

23. (19) Horses in snow with shadow of helicopter

The first Federal law to deal with the humane capture of wild horses was the Act of September 8, 1959. It prohibited the use of motorized vehicles and aircraft, and the pollution of waterholes in the capture or killing of wild horses and burros.

24. (20) Horse capture photo with superimposed X.

The traffic in wild horses continued, but now more people were asking, "Should we really eliminate all the wild horses?"

25. (21) Map showing Nevada Wild Horse Range

The Bureau of Land Management established two wild horse ranges, the Nevada Wild Horse Range, and

26. (21) Map of Pryor Mountain Wild Horse Range

the Pryor Mountain Wild Horse Range in Montana. National interest in wild horses was building fast.

27. (22) Wild Horse Act of 1971

In 1971 Congress passed the "Act for the Protection, Management, and Control of Wild Free-Roaming Horses and Burros." This law defined wild horses and burros' legal status.

28. (23) Slide badge or insignia of two agencies side by side

The law places joint, identical responsibilities on the Bureau of Land Management, of the Department of the Interior; and on the Forest Service of the Department of Agriculture.

29. (24) Western U.S.A. map shpwing BLM and FS lands

While the Forest Service and BLM often cooperate on land management, they were created under different laws for different purposes.

The green areas are National Forest lands. The pink areas are BLM lands.

30. (25) Slide from desert looking toward mountains

The lands managed by these two agencies are often similar -- rough, isolated, undeveloped land. But there are significant differences.

31. (26) Mountain picture

Forest Service lands are usually at higher elevations, with more vegetation.

32. (27) National Forest map

You'll find that most of the lands within a National Forest boundary are owned by the Federal government, with some private inholdings in the valleys or tillable areas.

33. (28) Semidesert or foothills

BLM lands are often at lower elevations, with sparser vegetation.

34. (29) Checkerboard pattern

BLM land like this in the center may be heavily interspersed with private holdings. This checkerboard pattern in Wyoming is a mix of BLM and private lands, square mile by square mile.

35. (30) Wild Horse Act of 1971 quote over horse photo

The Act states, BLM and the Forest Service must "require the protection, management, and control of wild free-roaming horses and burros. The words are simple.

36. (30) Burro and horse together

But this is the first time that either BLM or the Forest Service ever received direct responsibility for any animal's welfare. There was a lot to learn, and new management attitudes must be developed by state and federal agencies and by the public.

37. (31) Emergency directive

The first action the agencies took was to issue interim instructions to all field offices on the new responsibilities.

38. (32) Morton

Secretaries Morton and Butz sent personal letters to the governors of all Western States requesting state cooperation in administration of the new Act.

39. (32) Federal Register

Both Secretaries also published notices in the Federal Register to advise the public that unbranded, unclaimed horses and burros on the public lands were now protected by law.

40. (33) Laundry list:
Add 1: Federal regulations

Three other items were of extreme importance to the sucess of the program. First was preparation of Federal regulations by each Secretary for long-term administration of the law on their respective lands.

41. (33) Draft regulations

In December, 1972, draft regulations were published as proposed rule-making in the Federal Register for the general public's comment and review.

42. (33) Public Examination of draft regulations

The public often concluded that wild horses would not be protected until regulations were finalized, and they expected the regulations to have details to cover any conceivable situation. Both concepts were wrong.

43. (33) Laundry list:
Add 2: National Advisory Board

During this time, the National Advisory Board on Wild Free-Roaming Horses and Burros was formed. BLM and the Forest Service presented their proposed regulations to the board for comment at the board's first meeting.

44. (33) Board meeting

At the second meeting, after reviewing public comments, the board recommended adoption of revised and improved regulations. These were adopted, and became effective on August 15, 1973.

45. (33) Laundry list:
Add 3: Environmental Impact Statement

The third item of importance was an emvironmental impact statement on the wild horse and burro management program. This was reviewed by the public and State and federal agencies.

46. (33) Wild Horse seen from air

Both BLM and the Forest Service had made rough estimates of the number of animals on public lands, before the Act was approved. Today's estimates are greatly improved.

47. Slide One, Inyo

This inventory in the Inyo National Forest in California demonstrates today's techniques.

48. Slide Two, Inyo

Although much information remains to be gathered, we now have reasonably reliable estimates of the numbers of wild horses.

49. Slide Three, Inyo

We also know the location of their habitat. And historic use will be indicated on some maps with place names like "Mustang Canyon" or "Pinto Hill."

50. (34) Map of FS and BLM lands with population chart

Approximately 27,000 horses and 14,000 burros on public land have apparent clear status under the Act. There are also about 17,000 horses and 100 burros on which ownership claims have been filed.

51. (34) Map of herds

This map shows the location of Forest Service herds as black dots. Red areas show extent of BLM horses, and blue areas BLM burros. Less than 10 per cent of the horses and about 2 per cent of the burros use Forest Service lands. Some are on private lands, most on BLM lands.

52. (34) Shot of herd

The Forest Service has found there is not a great deal of change from their earlier population estimates, but BLM is finding that there are many more horses and burros than were first estimated.

53. (35) Mare and colt

The two agencies have discovered the wild horse is not a vanishing breed, although there are marginal herds. Wild horse and burro populations are increasing at a rate of up to 20 percent per year in some locations.

54. (36) Horses in corral

The ownership claims factor complicates population estimates. The Wild Horse and Burro Law provides private persons with the opportunity to prove their ownership of animals that would otherwise be presumed to be wild and free-roaming. Claims must meet State estray livestock ownership requirements of the state in which the animal

55. (36) Federal-State agreement

Determination of the validity of claims requires cooperation between the two Federal agencies and State livestock agencies. Agreements have been made with every state where wild horses and burros are found.

56. (36) New Mexico on map

However, New Mexico has withdrawn from their agreement and has claimed all horses and burros as state property. The U.S. Government is now engaged in litigation to prevent the State of New Mexico from any interference with the Wild Horse and Burro Act.

57. (37) Claims chart

The Federal Regulations for wild horses and burros became effective in August 1973, and allowed a 90-day period for persons to file their claims on animals that may otherwise be considered wild and free-roaming. The chart shows number of claims and animal population.

58. (38) BLM employee in office with papers

Examination of claims is the next step. If a claim shows acceptable indications of ownership a gathering permit for the animal is issued.

59. (38) Kid by corral

Final release of an animal to a claimant must wait until the animal is captured, examined, and private ownership is verified. A few animals have been gathered thus far, but the great bulk of claim examination and capture of the animals remains to be done.

60. (38) USFS Or BLM w/shoulder patch

Both the review of claims and the actual capture operations will require considerable manpower and funding, as both must be conducted under supervision of a BLM or Forest Service employee.

61. (38) Closeup of captured horse's head

Very close supervision is required to see that humane capture methods are used and that wild and free-roaming animals are released to the public lands. Capture will be authorized only during parts of the year when stress on associated wild and free-roaming horses and burros can be minimized.

62. (38) Chasing horse in canyon

It may take several years to complete the review of claims and capture operations, because of the number of claims and animals involved. Cooperation with state livestock agencies is vital.

63. (39) Herd of horses moving

Wild horse or burro migratory cycles may take them onto lands under jurisdiction of state or Federal agencies other than BLM or the Forest Service. In these cases, we are seeking agreements with these agencies to improve management.

64. (39) Slide of Federal ownership in Utah

For example, BLM has worked out a cooperative agreement in western Utah with Hill Air Force Base and the Army's Dugway Proving Grounds. Similar agreements are being worked out with State fish and game departments.

65 . (39) Slide of Federal ownership in Oregon and Murderer's Creek herd

Completed Federal agency and State fish and game agreements are supplements to previous master agreements for wildlife management on public lands. The Murderer's Creek wild horse herd in Oregon roams on State and Federal lands, An excellent agreement between the Forest Service, BLM and Oregon State Game and Fish Department has just been completed.

66. (40) Horses roaming or gate with NO TRESPASSING sign

Of course, wild horses and burros don't care who owns the lands they use. Substantial numbers of animals roam on private lands at least a portion of the time. This creates management problems for the two Federal agencies, as well as the landowners.

67. (40) horse range in National Forests

Because of differences in land ownership patterns and geography between BLM lands and National Forests, private land problems are usually different.

68. (41) Summer country range

In a typical situation, National Forest lands frequently furnish the summer habitat, and

69. (42) Winter country private

lower elevation private lands furnish the winter habitat for a herd of horses.

70. (43) Checkerboard BLM and private

BLM and private lands, however, are often so intermingled that horses and burros move from one to another on a more frequent, perhaps daily, basis. Though protected by the Act, the animals have no particular right to use private lands.

71. (44) Horses with X "X"

Private land owners may request the removal of wild and free-roaming horses and burros from their lands. In some cases the only way to meet this demand is relocation or elimination of the particular herd or herds.

72. (45) State wildlife man with shoulder patch

There's also a special need to work with State wildlife agencies to coordinate horse and burro habitat needs with those of wildlife habitat.

73. (46) Deer

Some wildlife interests are deeply concerned that horses and burros are a serious threat to wildlife.

74. (47) Elk

This concern is largely unfounded at present, as long as populations of all the animals are carefully managed. Current wild horse and burro populations are of small consequence in terms of current wildlife needs.

75. (48) Desert mountains with burros on skyline

Severe competition may occur in limited areas. A notable situation is in the desert mountains and lowlands of Arizona and Southern California.

76. (49)(50) Burro overuse

These areas are used extensively by burros, and burro overuse may have seriously affected vegetation and soil conditions.

77. (51) Desert bighorn sheep

Burro overuse may also be a serious detriment to the Desert Bighorn Sheep.

78. (52) Herd of cattle

Livestock interests have indicated their serious concern about uncontrolled wild horse populations.

79. (53) Slide:
History
Population
Habitat
Special problems

Thus far, we've assessed several areas dealing with wild free-roaming horses and burros: their history, their populations, an identificati of the habitat they use, and several unique problems.

80. (54) Slide of horses

With this background knowledge in mind, the Forest Service and Bureau of Land Management can look to wild horse and burro management for the future.

81. (54) Sagebrush with horses

What does wild horse and burro management take? We see wild horses as one of several uses of public lands, and we must also make specific plans for their biological needs and welfare.

82. (54) Murderer's Creek or Pryor Mountain book

When we consider wild horses and burros as a land use under the concept of multiple-use, we also consider such uses as wildlife, watershe recreation, minerals, and others. The BLM and Forest Service have similar land use planning systems for multiple-use management.

83. (54) Planner with map on range

The first part of land use planning is to analyz the land itself to learn its capabilities. Then we look at various ways the land could be used and still stay within the land's capability to accomodate those uses.

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84. (54) Public meeting

After we know the land's capabilities and alternative ways to use the land, we make this information available for public review and comment. We also ask the public to keep in mind legal requirements and the established national need and direction.

85. (54) Man looking at map

Prior to making decisions, the land manager considers all the information available, including public comments, then sets reasonable goals and targets for the particular area of land.

86. (54) Land manager and rancher on range

The biological management plan must consider forage needs; horse and burro competition, if any, with other forage consumers; and items such as the horses and burros adaptability to fences. It must also consider their association with or reliance on other land owned by others.

87. (55) Horses by spring

Unfortunately there is still a lot that we don't know about wild horses.

88. Horse looking at camera

Horses are found in many ecosystems, from desert basins to mountain ranges.

89. (56) Alpine fell

The climactic zones they use vary from Sonoran Desert to Alpine tundra.

90. (57) Rugged area

And, some of the specific situations where wild horses are found are almost unbelievable.

More data is available for wild burros, but despite more being known, arguments persist.

91. (57) Burros in desert

We know our knowledge is incomplete and that more research is needed. Until better data is available, our management plans must be tentative, and must build in enough latitude to protect wild horses and burros and still keep their populations compatible with needs of other land uses.

92. (57) Horses in desert

A word about research. Since BLM does not have a research arm, the Forest Service does research for both agencies on a variety of resources, and is now outlining a long-term horse and burro research program.

93. (57) Banded horses

This research might logically be headquartered in Nevada, but will involve cooperative research by many universities.

94. (57) Burros in desert

BLM financed a research contract with Arizona State University to gauge the impact of burros on native desert and shoreline along the Colorado River--and plans $35,000 for research in 1975.

95. (57) Books in library

BLM and the Forest Service will share the cost of assembling an annotated bibliography of all available material on wild horses and burros.

96. (58) Bighorn picture

To keep wild horses from over-competing with threatened species of wildlife...

97. (59) Overused range in Pryor

to keep them from over-using their vegetative resource, and

98. (60) Private land photo

to keep them from expanding their territorial limits beyond those established by law to private lands from which they are excluded--we must face the question of population control.

99. (61) Unhealthy horse

Population control is needed to prevent the animals from endangering their own well-being through crowded, unhealthy populations, and to keep horses in their assigned multiple-use niche. Whatever the purpose, and whatever the methods--the job of population control is not looked forward to by land managers.

100. (61) Faked newspaper headlines on population control

We feel that population control and excess animals will be the most critical and controversial issue of wild horse and burro management in the future. It will also be an administrative challenge that will be emotional, difficult, argumentative, and expensive.

101. (61) Pryor Mountain horses

Last fall, 30 excess horses were removed from the Pryor Mountains Wild Horse Range. This was the only population control measure to date.

102. (62) Laundry list: whole list
Capture and removal to other wild horse or burro areas
Removal for private maintenance
Destroy in humane manner

Under the law, there are three methods to deal with disposal of excess numbers of horses. 1. Capture and relocation to other areas of wild horse or burro territory; 2. Removal for private maintenance; and 3. Destroy in a humane manner. Let's look at these.

103. (62) Laundry list, first item: Capture and removal to other wild horse and burro areas

Relocation is legally restricted to areas where wild horses and burros existed at the time of the Act, 1971. Relocation should be carried out only if more horses can be accomodated, or if new animals are needed to fill biological gaps.

104. (62) Laundry list, item 2: Removal for private maintenance

Removal for private maintenance also has serious shortcomings. Private individuals agree to be responsible for the animals, but cooperative agreements must be executed since the law doesn't allow government agencies to give title to the animals. The agreement calls for care and protection under humane conditions and prohibits sale, as title to the horse remains with the government.

105. Western States map

We have placed horses from Texas to Montana, and anticipate thousands of cooperative agreements throughout the 50 states in coming years.

106. (64) Small colt

(64) Horses by shed

Everyone wants a small colt, but in actual management this isn't always possible.

107. Older horse

Older horses and burros will also have to be removed, and there are few offers from the public to accept private maintenance on older animals.

108. (65) Old swayback

From our limited experience with the Pryor Mountain Horses, we can predict the "market" in excess horses will be saturated long before the supply of excess animals is exhausted.

109. (65) Old horse or burro

We received hundreds of requests for a wild horse, but few people were able to back up their request. Of the 30 horses available it was difficult to place the 18 older horses.

111. (66) Laundry list, last item:
Destroy in a humane manner

After using the first two options, the final option will be to destroy animals in the field. Aside from the distaste we have for this method, it too has serious limitations.

112. (66) Rifle

113. (67) Scenic with 55,000 horses on 50-60 million acres

A completely different problem is capture, which is extremely expensive in manpower and time. Some of the difficulties can be understood by recalling that there are about 55 thousand animals scattered across 50 to 60 million acres.

114. (68) Rough country horses

The cost of removal of excess horses can be as high as $1,000 per head for the manpower and equipment needed to capture them. Remember that the 1959 Act forbids us to use motorized vehicles and aircraft for capture purposes.

115. (69) Scenic, very rough country.

The horses run in groups from large herds to isolated bands, and each group must be met in its own combination of topography, water locations, climate and accessibility. This means that there are several hundred situations where live capture, if needed, depends on individual situati

116. (69) Horses looking at camera

These animals are no "patsys." They have been described as being more cunning, durable, and elusive than some species of wildlife when hunted.

117. (70) Pryor corral from air

We have attempted capture by building permanent trap corrals and pasture arrangements, like this one in the Pryor Mountains. Trap corrals work in areas of limited water, but are costly and of limited versatility.

118. (71) Roundup

For example, we have rounded up the horses with a number of men and horses, and then driven the captured horses into corrals. Roundups are also expensive, and require experienced men--who are hard to find nowadays.

119. (72) Roping

We have tried roping horses from horseback, which is extremely limited in results and requires an experienced and talented person.

120. (73) Stalk

Roundups and roping, using domesticated horses, can prove dangerous to horse and rider alike, so we've tried stalking the horses and

121. (74) Tranquilizer gun

shooting them with a tranquilizer gun. This too is limited in results--and what do you do with

122. (75) Tranquilized horse

a tranquilized horse five miles from transport facilities?

123. (75) Capture scene

The problems that capture presents are not understood by the public in general, nor perhaps anticipated by the 1971 Act. This is the same with other aspects of wild horse and burro management activities.

124. (76) Population chart (duplicate of #50)

We hope we have presented a reasonably clear picture of the wild horses and burros of the West, and of the progress of the Forest Service and Bureau of Land Management in their efforts to manage this resource.

125. (76) Location map

We have had problems, we know that we will have more, but we are determined to do our best.

126. Burros in desert

We hope that we have shown concerned persons, whomever they may be, that

127. (77) Red horses

these living symbols of the historic pioneer spirit of the West will

128. Horse in mountains

neither become extinct--

129. Horse in snow

--nor be allowed to increase its population to a degree of unreasonable competition with themselves or other users of the public lands.

130. Interior and Agriculture seals

END

END

THE ADVISORY BOARD'S FIRST YEAR

March 26, 1974

Washington, D.C.

Section 7 of the Wild Horse and Burro Act authorized and directed the Secretaries of the Interior and Agriculture to appoint a joint advisory board of not more than nine members to advise them on any matter relating to the management and protection of wild horses and burros. The group that you see seated here today is the result of the action by the Secretaries to select representation to meet the goals and objectives of the Wild Horse and Burro Act.

One of the prime assets of the Board, as set forth in its charter, is its joint responsibility to the Bureau of Land Management and the Forest Service. This responsibility provides for uniform criteria and procedures between the two agencies in the management of wild horses and burros.

The assignment given this advisory board was a new and perhaps unique challenge. This is true not only for the members of this Board but for the two managing agencies as well. The board has reviewed and made recommendations on a number of important issues concerning the management of wild horses and burros under a multiple-use concept. These recommendations were made to the two Secretaries and their managing agencies and were based upon combined experience and knowledge of the committee in plant and animal husbandry, and natural resources management.

As a National Advisory Board we have provided advice at the highest operating levels of program controls rather than at the local levels. During

the past year it was felt that the most urgent need for advice from this Board should be in advance of program actions. Other means provide for full public participation and interdisciplinary consideration at local levels; however, membership on the board has not precluded individuals of this body from participating in meetings at local levels.

The suggestions and recommendations of the Board have been instrumental in changing and, in several instances creating, a complete rewrite of the draft for the regulations. Recommendations of the Board have not always been passed with unanimous agreement. Many times a resolution was vigorously debated before final passage or defeat. Because of the qualifications and background of the Board's members there was wide diversity of views, but this perhaps demonstrates the strength of such a Board for evaluating the broad spectrum of any particular problem that may arise. The Board has a chance to see a wide range of options before making a final recommendation. We believe through this past year we have dealt with these problems on the basis of mutual concern and cooperation.

During the past year the Board met on four occasions. Meetings were held in Salt Lake City, Utah; Denver, Colorado; Billings, Montana; and Lake Havasu City, Arizona. All meetings of this Board have been and we presume will continue to be open to the public. Any interested person is invited to attend the meetings, make a presentation upon request to the Chairman, or file a statement with the Board at the time of the meeting.

First Meeting

January 12 and 13, 1973

Salt Lake City, Utah

The first meeting was devoted largely to orientation for the Board. The agencies explained the Federal Advisory Committee Act, the Advisory Board Charter, and the role of the Board under the present assignment.

Considerable time during this first meeting was used in reviewing a draft of the proposed regulations of the agencies. Individuals from the public had their first chance to express their views on wild horse and burro management to the Board and the agencies.

PUBLIC COMMENT

Nine individuals from the public presented their views. A brief summary follows:

There was an expression that the capture of wild horses in the past had been accomplished by individuals and organized groups as a form of sport and pleasure and that this should be allowed to continue as a method of wild horse population control. Representatives of these groups expressed a desire to acquire title to any animals they captured.

Several individuals indicated that there was a great amount of information available relative to wild horses and burros and their management from various individuals and groups and that the Advisory Board and administering agencies should seek out and utilize this information.

A suggestion was made to modify the bloodlines and characteristics of wild free-roaming horses by introduction of domestic stallions. Considerable discussion followed, both pro and con, on this suggestion.

PROBLEMS CONSIDERED

I. Several important policy guidelines were set forth at the initial meeting.

   A. The BLM or Forest Service will not assign management responsibility for wild free-roaming horses and burros on the public lands. This was not interpreted to mean the agencies did not need advice and council in carrying out management responsibilities.

   B. The Agencies will manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on public lands.

II. Inventory of wild free-roaming horses and burros.

   A. Data was presented by the Agencies relative to the estimated numbers of horses and burros occupying national forests and BLM lands, including location, land status and specific ranges.

III. Removal of claimed animals.

   A. Individual state statutes differ and present a problem with respect to proof of ownership.

   B. Cooperative agreements appeared to be the only solution.

IV. Excess numbers.

   A. Planning systems for managing a balanced ecosystem would identify excess numbers.

V. Disposal of excess numbers.

   A. Relocation.

B. Placement in private custody.

C. Disposal in a humane manner.

RECOMMENDATIONS

I. That the agencies immediately begin to develop model cooperative agreements with state agencies which is encouraged in Section 5 of the Act.

II. That the regulation for proof of ownership in the claiming process be strengthened.

III. That the agencies keep the Board informed on pertinent and current literature relative to behavior and management of wild horses and burros.

IV. That the agencies develop a continuing inventory of wild free-roaming horses and burros that inhabit federal lands either in part or for all of their annual habitat requirements.

V. That each Board member review the proposed regulations in view of finalizing them at the next meeting in Denver, Colorado.

VI. That the agencies obtain a legal opinion on transfer of title to excess animals to private ownership.

Second Meeting

March 21 and 22, 1973

Denver, Colorado

Most of the time at this meeting was devoted to discussing the regulations for each agency with respect to the revisions and suggestions from the committee. However six well prepared statements were made by individuals representing themselves or organizations that were concerned with the management of wild horses and burros.

PUBLIC STATEMENTS

The Rocky Mountain Regional Office of the Humane Society and the International Society for Protection of Mustangs and Burros expressed concern regarding the apparent misconduct of the roundup of the Idaho horses. Their Societies expressed interest in helping improve roundup and claiming procedures.

The Animal Protection Institute of America expressed concern about the wild burros and their role in the environment. They favored closer supervision over roundups and claiming of wild horses.

Some individuals making statements believed that organized groups should be given permits to carry out or continue mustanging while others disagreed with this practice since it constituted harassment of animals.

Mr. William Wright of Nevada explained the various ways wild horses might be gathered by using a combination of horsebackers and an airplane. He made

a strong case for use of a plane, when properly handled, as a humane method of managing wild animals.

ISSUES CONFRONTED

I. Revision of the regulations.
   A. Disposal of animals
      1. Relocation.
      2. Gifts.
      3. Recycle in the system.
   B. Acts of mercy.
   C. Disposal of carcasses.
      1. The old, sick, crippled etc.
   D. Claiming animals.

II. A lack of uniformity between BLM and Forest Service regulations.

III. Need for research concerning behavior and feeding habits of wild horses and burros.

IV. Cooperative agreement criteria with:
   A. States.
   B. Other agencies (BIA - National Park Service)
   C. Private land owners.

RECOMMENDATIONS

I. Authorized officer to designate specific free-roaming wild horse or wild burro ranges (This was changed later to Director of BLM and Chief of Forest Service).

II. Total number allowable animals be interpreted to mean in general the approximate number of free-roaming horses and burros in existence at the time of passage of the Act.

III. Claims be based upon evidence of ownership as cooperatively agreed upon by the Agencies and State authorities.

IV. The Agencies obtain a legal review of all laws pertaining to the use of airplanes in working with wild horses or burros in management practices.

V. It was recommended that cooperative agreements such as the one between Wyoming and BLM be concluded with all states as rapidly as possible.

Third Meeting

July 16 and 17, 1973

Billings, Montana

Again, as in previous meetings, the formulation of a final proposed list of regulations for the management of wild free-roaming horses and burros occupied most of the Board's time.

At the Billings meeting, the Board was able to inspect the Pryor Mountain wild horse range on the border between Wyoming and Montana. In the Pryor Mountains the Board was able to observe first hand the Bureau of Land Management planning process in action. This wild horse range was established in 1968 prior to the enactment of the Wild Horse and Burro Act (Public Law 92-195) with the help of several of the present board members. At the present time the Pryor Mountain horse range is managed under the concepts of the new law and regulations.

PUBLIC COMMENTS

During the period on the agenda for hearing comments from the public, the following persons appeared before the Board:

Mr. Alan J. Kania, Feral Organized Assistance League, Inc.
Mr. Harold L. Perry, The Humane Society of the United States
Mr. Kent Gregersen, National Mustang Association, Inc.
Mr. Eldon Smith, Wildlife Biologist

The full text of their comments is on file with the BLM. The general nature of their comments is as follows:

Mr. Kania told the Board of his experience in viewing wild horses in the Bookcliff area north of Grand Junction, Colorado. He explained his present

research efforts on different diseases of horses and the issue of horses being classified as an exotic or feral species.

The primary concern of the Humane Society, according to Mr. Perry, is that in all instances where a reduction in numbers was necessary, all animals would be handled and transported or disposed of in a humane manner.

Mr. Gregersen proposed mustanging as a possible way to reduce numbers of excess horses in a region. He stated several areas in the West had a large overpopulation of horses, and suggested the distribution of the excess animals to other areas.

Mr. Smith stated the Bureau of Land Management should set a definite policy for wild horse management in the Pryor Mountain complex. If protection under the Act creates an excess of animals, the surplus must be disposed of when overpopulation occurs.

PROBLEMS CONSIDERED

I. Inclusion of NPS, BSF & W, and military reservations under the provisions of the Act.

II. Disposal of carcasses of free-roaming wild horses and burros to rendering plants.

III. Who is the authorized officer to designate specific wild horse or burro ranges?

IV. Capturing, corralling animals for observation or disposal in a humane manner.

RECOMMENDATIONS

I. That this Act be amended to provide:

A. That the NPS, BSF & W, military reservations and BR lands to be included under the provision of the Act.

B. That carcasses of animals of free-roaming wild horses and burros designated for disposal could be sold to rendering plants.

C. That aircraft including helicopters and motorized vehicles to be used in capture and removal of excess animal numbers when the craft contains an employee of one of the two departments.

D. That title of surplus animals to private ownership be permitted either through sale or gift.

II. It was made a matter of record that the committee does not feel disposed, at this time, to make a recommendation for amendment to the present Act to include mustanging.

III. It was again recommended that the Secretaries request adequate funding to do the necessary research to properly manage wild horses and burros on public lands.

IV. The Board recommended that the two agencies follow the policy of not resorting to supplemental feeding of wild horses and burros except in extreme emergency.

Fourth Meeting

November 6, 7 and 8, 1973

Lake Havasu City, Arizona

The site of this meeting was selected to give the Board an opportunity to become better acquainted with the problems involved in burro management on public lands. The lower Colorado River area has one of the larger concentrations of burros in the Southwest. At this meeting, guest speakers were selected for their expertise in burro management and wildlife inhabiting the same environmental niche. They were:

Pete Sanchez, Death Valley National Monument
John Russo, Arizona Game and Fish Department
Larry Powell, Bureau of Land Management
Richard Weaver, California Fish and Game Department
Patricia Moehlman, Chico State College
Kathy Ayres, Forest Service

PUBLIC COMMENTS

During the period on the agenda for hearing comments from the public, the following persons appeared before the Board:

Mrs. Bob Barling, Naval Weapons Center, China Lake, California
Mr. Belton P. Mouras, Animal Protection Institute, Sacramento, California
Mr. Ben Avery, Arizona Republic, Phoenix, Arizona
Mr. Herbert Martin, Humane Society of the U.S., Washington, D.C.

The full text of their comments is a matter of record with the BLM. The general contest of their comments is as follows:

Mrs. Barling stated that burros were a problem over much of the Naval Weapons Center. Last winter in one area, after a drought period, there was not sufficient food for the concentration of burros. The NWC intends to maintain herds of burros consistent with the carrying capacity of the land consistent with the values of other wildlife on the base.

Mr. Belton P. Mouras stated the concerns of his organization range from the multitude of all animals to interest in a single animal or species. At this time, they would like to see wild burros and horses maintained in a natural and undisturbed state, free from unnecessary fear, pain or suffering. His organization feels in spite of the fact that burros are not a potential game animal like bighorn sheep, they do have a rightful place on the range and reasonable and normal competition with other species, including game species, should be tolerated. Disposition by destruction, when absolutely necessary, should be accomplished by a method considered humane.

Mr. Avery pointed out in any wildlife or burro problems, the public must be interested to get action. He told of the progress in attempting to restore the desert bighorn sheep in greater number within his State. He said, we do have burro-bighorn conflicts without any question. Mr. Avery said he does feel that the burro does have a place in Arizona. There should not be this conflict between the two species. Mr. Avery would urge the Board to adopt a policy to try and separate burros and bighorn.

Mr. Herbert Martin stated that the purpose in being here is to express the concern of the HSUS, and its many members across the country for the health and welfare of wild free-roaming horses and burros as defined in PL 92-195. Ideally, his organization would like to see all animal species living side by side without conflict. Unfortunately, man must attempt to help the ecological scales level with a semblance of balance. People must resolve or at least minimize the conflicts which exist between certain species as well as their habitat. Horses and burros must be managed in such a way as to equally consider other forms of life around them.

PROBLEMS CONSIDERED

I. Location and behavior of wild burros.

   A. A concentration of burro numbers and a stressed water and feed supply.

   B. Competition between bighorn sheep and burros.

II. A final analysis for the years activity and recommendations.

RECOMMENDATIONS

I. That the two federal agencies begin immediately to formulate and initiate management plans for wild horses and burros under the multiple-use concept for each individual area where these animals reside.

II. That the agencies receive the full support of the Board in forewarning the public that population control measures beyond the removal of live animals from an area might be necessary for the protection of the overall land resources.

III. The Board recommended where practical that research on wild horses and burros should be conducted outside the agencies under contracts and cooperative agreements and further that the agencies expedite the research program and request adequate funding for this effort.

IV. That the Forst Service and BLM negotiate formal cooperative agreements with other federal agencies where burros and horses are using lands under more than one governmental jusisdiction.

FUTURE PROBLEMS

From the four meetings and the issues raised to date, the Board has learned that the successful protection, management and control of wild horses and burros will not be an easy task. Some of the problems still unsolved are:

1. An accurate inventory of wild horses and burros and an evaluation of the land resource capability to support these numbers consistent with other demands.
2. Means of disposing of excess numbers such as transfer of ownership through gifts and sales or through recycling them into the system in a humane manner acceptable to the public.
3. Use of aircraft in collecting animals for removal or inspection in the management plan.
4. Convincing the public that control of animal numbers is absolutely necessary to manage a viable biological system and that total and complete protection without control will not only be catastrophic to the animals but to the land resources as well.
5. Research is needed to determine the true overlap between wild horses and burros with livestock and game animals otherwise a well founded and a defensible management plan can not be formulated.
6. Wild free-roaming horses and burros that obtain part of their annual feed requirements from private lands will present a difficult problem that will require agreements, payments for damages and/or for the feed they consume.
7. The claiming procedures and agreements between state and federal agencies are yet to be tested and revised to work in an effective manner.
8. In order to eventually accomplish the task of managing the wild free-roaming horses and burros the Act itself may have to be amended or complemented by other legislation both from the state and federal level.

9. The Board should not become involved in specific administrative problems, litigation, or controversy that is legally the responsibility of the Agencies.

10. Most important of all the Board must not become divided. They must continue to work together as a body and consider each issue on its merits and its absoluteness in maintaining the wild horses and burros on public lands in a balanced and productive ecosystem.

11. Develop management plans on all local wild horse and burro areas consistent with the Act and with minimum reliance upon the advice of the Board for deciding local issues.

REMARKS OF JOHN MCGUIRE, CHIEF OF THE FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, TO THE FIFTH MEETING OF THE JOINT NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS, MARCH 26, 1974

Good morning. I hope next time you come to Washington we can meet over at the Department of Agriculture where things are less regimented. We might even find some coffee for you. We're very happy to see you here in Washington. You came at kind of a busy time. You find that Congress has a lot of hearings going on. This particular week, for example, I have already testified on appropriations. This morning I have to talk about Eastern wilderness. Tomorrow I'm going up to give some testimony on repeal of the mining laws and then on Thursday and Friday I go back and talk on money again. So, the reason more people aren't here, I think, a lot of them are up on the Hill talking to Congress about the issues of the day.

Anyway, it's a real privilege for me to be here this morning to open this meeting of the National Advisory Board on Wild Free-Roaming Horses and Burros.

Secretaries Morton and Butz have asked me to welcome you and extend their sincere regret that they will be unable to attend this meeting full time. To their welcome, I would like to extend a most personal welcome of my own to each member of the Board and to express the appreciation of the Department of Agriculture and Interior for the time and effort you've given so willingly to the problems you'll be discussing here today and tomorrow. It seems to me that citizen representation in the process of democratic government has never been more vital than it is today and the

services of you folks on this Advisory Board have been, and will continue to be, an important contribution to such citizen participation.

The meeting that is being convened here today is extremely significant. We've reached that point where the Secretaries of the Interior and Agriculture must begin preparation of their joint report to Congress. As you know, it's due June 15th of this year on the administration of the Wild Horse and Burro Act. The recommendations and conclusions of the National Advisory Board after 15 months of serious involvement with this subject are going to be very important and very helpful in making that report. As all of you well know, the administration of the Wild Horse and Burro Act is far more involved than the public commonly realizes. States rights have been challenged by it, other users of the public land resources feel that their own interests may be threatened in some instances by it, and private landowners rightfully question how their own lands might be affected by this legislation. Nevertheless, the principles in the Act represent good principles and good policy, and they're a credit to our American society. Perhaps the Act can be improved in some ways and simplified in its administration. This remains to be seen, but this meeting can certainly contribute toward that goal.

Again, I want to thank you all for coming here. I hope you have an enjoyable stay here in our Nation's Capital. I'm going to have to leave you for a while and get into another controversial topic of wilderness. I'll try to

get back and in the meantime I'm going to turn this meeting over to George Turcott and he'll serve as the Government official in charge of the meeting in accordance with the requirements of the Federal Advisory Committee Act.

REMARKS OF GEORGE L. TURCOTT, ASSOCIATE DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, TO THE FIFTH MEETING OF THE JOINT NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS, MARCH 26, 1974

I'd like to extend congratulations to each member for being reappointed for another year to this Board. We realize that the task of acting as an advisor for the Secretaries of the Interior and Agriculture on wild horses and burros is not an easy one. The Bureau of Land Management and Forest Service and our local offices appreciate the time and effort that each of you has contributed and I wish to commend you for the work accomplished during the last year. Nineteen hundred and seventy-three was a milestone year in that it was the first year of the Board's existence and one in which the basic groundwork for the Board's actions was developed. It is also significant that during this time environmental impact statements and regulations to implement the Act were issued by both agencies.

Your recommendations based on broad principles were instrumental in providing guidelines in the preparation of regulations for both the Forest Service and the BLM.

I am confident that the recommendations and suggestions that you will give us during this important meeting will be of great value in preparation of the 30-month report to Congress mentioned by Chief John McGuire. The recommendations from previous meetings and your evaluations of public participation have proven extremely helpful in the protection, management, and control of wild horses and burros.

Recently you were mailed some preliminary information in the form of newspaper clippings on the controversy with the State of New Mexico regarding its interpretation of State statutes and the fact that the State feels the Wild Horse and Burro Act is unconstitutional. I'm sure that this will be discussed later in some detail.

The Howe, Idaho, roundup and the latest developments concerning our action on this incident will be another topic. And with regard to that, as a result of the continued declination of the U.S. Attorney for Idaho to mount at this time a criminal prosecution, the Forest Service and the Bureau of Land Management now, working with the Solicitors or Counsels of Interior and Agriculture, respectively, are working now on a procedure to go through an adjudication process concerning the claims of the horses remaining in the corrals at Idaho Falls, Idaho. This is just about worked out but it is still going to take a little bit more time to work out the details. The process will center around the use of a Department of the Interior Administrative Law Judge to hold a full Administrative Procedure Act hearing and will involve his determination of findings and fact. The adjudication process as to who will adjudicate is still being worked out.

As your agenda indicates, we'll spend some time briefly outlining the steps initiated for research, both by the Bureau and the Forest Service. Further, we have scheduled the period from 10:30 to 11:30 to receive comments from

individuals and organizations in the audience who wish to present their views or recommendations on wild horses and burros. Additional time can be made available, if necessary, tomorrow.

This afternoon we will give you a progress report of the acomplishments of the two agencies over the past year. This report will present problems encountered and also give the latest inventory numbers for wild horses and burros. Following that report, we will listen to your recommendations for any needed changes in our methods of management or for any proposed amendments or changes in the Act itself. As you will note on your agenda, there is a period of time set aside for discussion with representatives of the Secretaries, or the Secretaries themselves, namely Rogers Morton and Mr. Butz, respectively, and any Members of Congress or their representatives who might be present this afternoon. Congressional interest in the Wild Horse and Burro Act is indicated by the numerous inquiries we continue to receive from Members of Congress pertaining to these wild and free-roaming horses. A special briefing was sent to those Congressmen who has participated in the sponsoring of the Act.

As you know, the administrative procedures for the Board state the terms of appointment will be for 1 year. Members may be reappointed for additional 1-year terms not to exceed 10 years of total service. Starting in 1975, we are thinking about and may propose to begin a program that will appoint three new members to the Board each year. This will provide new or additional expertise to the Board each year, while still retaining the continuity of the existing Board.